

REMARKS

The Section 103 Rejection of Claims 1-5, 10-15 and 19-22

Claims 1-5, 10-15 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simonin, U.S. Patent No. 6,049,824 ("Simonin") in view of Wilkins, U.S. Patent No. 5,446,919 ("Wilkins"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention includes the feature of inserting one or more advertisements into one or more program streams at (one or more) egress nodes for delivery to one or more individual subscribers, where the advertisements correspond to demographic characteristics of a particular subscriber(s). Neither Simonin nor Wilkins discloses or suggests such a feature.

Instead, Simonin is totally silent regarding the insertion of ads at an egress node where the ad corresponds to demographic characteristics of a particular subscriber. The only type of information inserted in Simonin is local advertisements. These local advertisements are distributed to every subscriber within a locale. That is to say, the information that is inserted at Simonin's so-called "remote head ends" is unrelated to the demographic characteristics of a particular subscriber or subscribers.

Turning now to Wilkins, all of the demographic related information in Wilkins appears to be transmitted from a head end to a targeted audience. Wilkins does not appear to disclose the insertion of information, such as

advertisements, which is based on demographic characteristics at an egress node as is required by the claims of the present invention.

Realizing the deficiencies in Simonin and Wilkins, the Examiner nonetheless asserts that "it would have been obvious to one of ordinary skill in the art to modify Simonin with the analysis of demographic information (presumably supplied by Wilkins) so as to guarantee a well-defined audience to the advertisers" (words in parentheses added). Applicants respectfully disagree and submit that the subject matter of the claims of the present invention would not have been obvious to one of ordinary skill in the art upon reading the disclosures of Simonin and Wilkins at the time the present application was filed.

What the combination of Simonin and Wilkins does suggest is the insertion of local information at an egress node and the insertion of demographic associated information at a head end. This is inapposite to the present invention which requires the insertion of demographic associated information at an egress node. Applicants further note that they discussed the insertion of local advertisements (which is unrelated to demographics) on page 2, lines 10-20 of the present specification.

In sum, Applicants respectfully submit that the subject matter of the claims of the present invention, namely the insertion of advertisements at an egress node where the advertisements correspond to demographic characteristics of a particular subscriber(s) would not have been obvious to one of ordinary skill in the art upon reading the disclosures of Simonin and Wilkins

at the time the present application was filed because the combination suggests the insertion of demographic associated information at a head end, not at an egress node, as is required by claims of the present invention.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-5, 10-15 and 19-22.

The Section 103 Rejections of Claims 6-9 and 16-18

Claims 6-9 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Simonin, in view of Wilkins and in further view of Bigham et al., U.S. Patent No. 5,544,161 ("Bigham"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants note that claims 6-9 and 16-18 depend on either independent claim 1 or 12 and are therefore patentable over the combination of Simonin, Wilkins and Bigham for the reasons set forth above with respect to claims 1 and 12 because Bigham does nothing to overcome the deficiencies of Simonin and Wilkins noted above.

In addition, Applicants respectfully submit that the combination of Simonin and Wilkins and Bigham does not suggest the subject matter of claims 6-9 and 16-18 because each of these claims requires "an ATM-based network" where "N program streams are encapsulated in Internet Protocol ("IP") packets for transmission in the ATM-based network." Instead, as noted by the Examiner on page 2, Wilkins discloses the generation of N x M ad streams which are then transmitted over a network; not the generation of N program

streams that are encapsulated using IP packets for transmission over an ATM network as in the claims of the present invention.

In sum, Applicants respectfully submit that the subject matter of claims 6-9 and 16-18 would not have been obvious to one of ordinary skill in the art at the time the present application was filed by reading the disclosures of Simonin, Wilkins and Bigham.

Applicants respectfully request withdrawal of the pending rejections and allowance of claims 6-9 and 16-18.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 U.S.C. §1.116 because the Amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or considerations; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

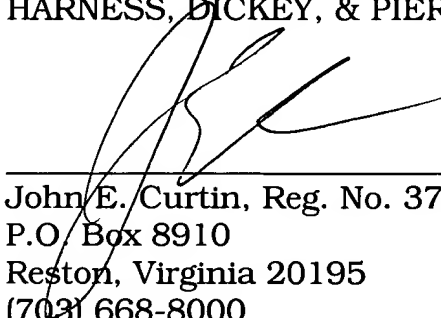
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JEC:psy